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 PODFITNESS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (OAKLAND DIVISION)

APPLE COMPUTER, INC.,

Plaintiff,

v.

PODFITNESS, INC., and DOES 1-100,  
 inclusive,

Defendants.

Case No. C 06-5805 SBA

**STIPULATED MOTION TO FILE A  
 JOINT DISCOVERY LETTER SIX DAYS  
 AFTER THE IN-PERSON MEET AND  
 CONFER AND ~~PROPOSED~~ ORDER**

A discovery dispute has arisen that concerns whether a certain document produced by defendant Podfitness, Inc. ("Podfitness") to counsel for Apple, Inc. ("Apple"), bearing control number PF001014, contains information protected by the attorney-client privilege and is thus undiscoverable and should be returned to Podfitness under the terms of the Stipulated Protective

Order, signed by the Court on February 7, 2007. On Thursday, May 31, 2007, the parties' respective counsel conducted an in-person meet and confer, pursuant to the Notice of Reference and Order Regarding Discovery Procedures, dated February 26, 2007 ("Discovery Order.").

The Discovery Order also states that within five business days after the in-person meet and confer (which is Thursday, June 7), the parties shall submit with the Court a Joint Discovery Letter, setting forth the substance of the remaining discovery dispute. Podfitness and Apple hereby stipulate, agree and jointly move the Court to extend the deadline one business day to file a Joint Discovery Letter with the Court, allowing the Joint Discovery Letter to be filed on Friday, June 8, 2007.

Dated: June 7, 2007

FISH & RICHARDSON P.C.

By: /s/ Lisa M. Martens

David J. Miclean  
Lisa M. Martens  
Andrew M. Abrams

Attorneys for Plaintiff  
APPLE COMPUTER, INC.

Dated: June 7, 2007

WORKMAN NYDEGGER

By: /s/ Brett I. Johnson

Charles J. Veverka  
Robert A. Aycock  
Brett I. Johnson

Attorneys for Defendant  
PODFITNESS, INC.

**DECLARATION OF CONSENT**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Brett I. Johnson.

Dated: June 7, 2007

FISH & RICHARDSON P.C.

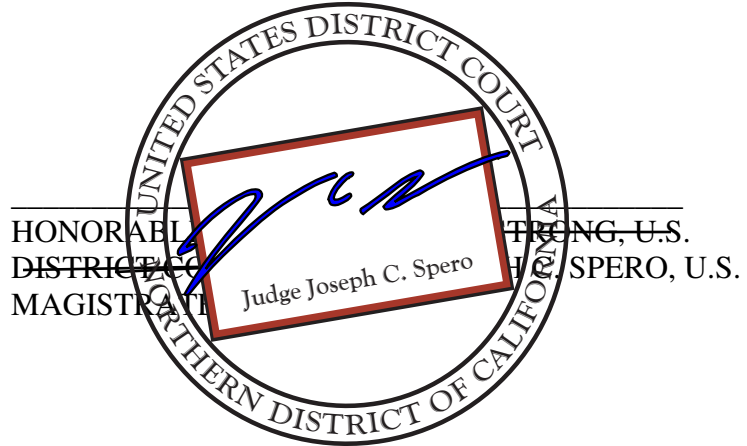
By: /s/ Lisa M. Martens  
Lisa M. Martens

Attorneys for Plaintiff  
APPLE COMPUTER, INC.

**ORDER**

For good cause shown, IT IS HEREBY ORDERED that the foregoing Stipulated Motion is GRANTED and the parties may file a Joint Discovery Letter by Friday, June 8, 2007.

IT IS SO ORDERED this 8th day of June, 2007.



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